

**FRANKFORT/FRANKLIN COUNTY BOARD OF ZONING ADJUSTMENTS**  
**September 11, 2007**

Chairman Mitch Buchanan called the meeting to order at 5:30 p.m.  
Recording Secretary Dawn McDonald called the roll.

MEMBERS PRESENT:	Mitch Buchanan
	Barry Holder, Jr.
	Ryan Sell
	David Jones
	Kathy Peale
	Joyce Honaker

MEMBERS ABSENT:	(0)
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Chairman Mitch Buchanan called the meeting to order, introduced staff and swore in the staff and audience.

The first item of business was approval of the August 7, 2007 minutes. Mr. Jones made a motion to change paragraph 4 on page 3, the word familiar should be unfamiliar. The motion was seconded by Ms. Honaker and carried unanimously. Mr. Holder made a motion to approve the minutes as amended. The motion was seconded by Mr. Jones and carried unanimously.

Mr. Buchanan made a motion to hear item 3 first then hear item 1 second and item 2 was removed from the agenda. The motion was seconded Ms. Peale and carried unanimously.

The first item of new business was a request from Larry and Ashley Trautner for approval of a Major Home Occupation to allow a real estate business office at 2218 Leestown Road, zoned "RA" Residential "A" District.

Robert Hewitt, County Planning Director was present for the staff report and stated that the Trautner's had previously applied for and received a Home Office Permit to locate an office in their residence located at 2218 Leestown Road. Mr. Hewitt then explained that the Trautner's contacted him later for signage that they are required to have as a part of their real estate licenses, Mr. Hewitt explained to them that this would require a Major Home Occupation which allows a 2 square foot sign. Mr. Hewitt stated that he reviewed the application based on Article 15 of the Zoning Ordinance and the Conditions for Major Home Occupations and based on that analysis he recommended approval of the applicants request with the 3 conditions outlined in the staff report.

Attorney Charlie Jones was present on behalf of the Trautner's and explained that the sign would be located on the other side of the drainage easement. He stated that it will be a 2 square foot sign, that it will not be intrusive and won't affect the surrounding area negatively.

Ms. Honaker made a motion to approve the request for a Major Home Occupation to allow a real estate business office at 2218 Leestown Road with the following conditions; 1) the conditional use is granted to Larry and Ashley Trautner for a real estate office within the principal structure at 2218 Leestown Road; 2) The conditional use is not transferable and any change in ownership or use will make this approval null and void; and 3) any signage must comply with the requirements of Section 15.072 B. of the Zoning Ordinance unless otherwise authorized by variance procedures. The motion was seconded by Mr. Holder and carried unanimously.

The next item of business was a request from William and Connie Smith for a variance to Article 4, Section 4.124 Bulk, Density, and Height to allow a reduction in the side yard setback from 10-feet to 8.77-feet to allow the construction of a building addition on the existing single-family residential structure located at 268 Fairway Drive, zoned "RA" Residential "A" District.

Robert Hewitt, County Planning Director was present for the staff report and stated that the applicant has requested to amend their request to 8 feet. Mr. Logan stated that he felt it was okay to proceed because it had been advertised and it was such a small amount of reduction. Mr. Hewitt explained that the request to reduce the setback would allow for the construction of a residential addition that would accommodate an attached garage and bedrooms. Mr. Hewitt stated that the property was platted prior to the adoption of land use regulations in the county and setbacks were established as part of the procedure. The reduction in the setback would violate the zoning setbacks. Mr. Hewitt stated that he found negative findings for criterias A & B, but positive findings for criterias C & D, based on the negative findings he recommended denial of the application.

The applicant William Smith of 268 Fairway Drive was present and stated that the lot is a little wider on the back side of the lot. He also gave a history of the property and mentioned that he had contacted his neighbors about this project and there were no complaints from any of them, in fact many of them wrote letters of support. Mr. Smith stated that he believed this would be a nice addition to the property as well as the neighborhood and thanked the board for their consideration.

Mr. Holder questioned the topography and Mr. Smith replied that an engineer suggested not going behind the house due to drainage issues.

Ruth Mixon of 248 Fairway Drive was present and she gave some history on the neighborhood and how it was developed. She went on to say that she supports this request.

Wayne Carroll of 365 Harrodswood, was present and stated that he completed a survey of the property located at 268 Fairway Drive. He stated that the 8' setback they are proposing is in line with the "RB" zone district. He also mentioned that some of the houses are set further back on the street than others and that there were

several lots with less than a 10-foot side yard setback. He stated that he added a 20' easement across the front of the property for future utilities and the plat has been signed off on and approved.

Mr. Buchanan made a motion that the request from William and Connie Smith for a variance for the side yard setback from 10-feet to 8-feet for the construction of a building addition at 268 Fairway Drive be approved with the following positive findings; A) due to the testimony that the rear grading topography is such that new development is already causing impact and that there is no room to access the back nor is there room in the front according to our ordinances so the only place it can go is along the existing house lines and B) the other homes have accessible garages, and there has been testimony that to make the garage go thru the property would necessitate the removal of quite a bit of usable interior space causing the homeowner burden, there were positive findings for C & D. Mr. Jones added to both findings A & B on dimensional variances where they find this to be an exceptional topographic condition based on the fact that the setback was not in existence during the time that this plat was created. The motion was seconded by Mr. Holder and carried unanimously.

Mr. Holder made a motion to adjourn, the motion was seconded by Mr. Buchanan. All were in favor.

Adjourn